



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

[Handwritten signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,639	03/28/2000	Khiem Le	017.37735X00	5668

20457 7590 02/27/2004

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

EXAMINER

HSU, ALPUS

ART UNIT PAPER NUMBER

2665

DATE MAILED: 02/27/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,639

Applicant(s)

LE ET AL.

Examiner

Alpus H. Hsu

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10 and 13-200 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 and 96-186 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-32,39-42 and 70-93 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,13-16,33-38,43-69,94,95 and 187-200 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4, 5</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2665

1. Claims 17-24, 96-186 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected groups II, IV & V, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9. The applicant is requested to cancel all nonelected claims in next response to expedite the prosecution of the application.

Furthermore, the applicant's election of group I with traverse on group III is persuasive.

Therefore, claims 1, 2, 5-10, 13-16, 25-45, 187-200 in group I and claims 46-95 in group III are all treated on the merits.

2. Claims 1, 2, 5-10, 13-16, 43, 46-69, 187-194, 198-200 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,542,931. Although the conflicting claims are not identical, they are not patentably distinct from each other because by broadly interpreting the feedback in U.S. Patent No. 6,542,931 as the claimed acknowledgement, the packet having reference header in U.S. Patent No. 6,542,931 as the claimed current packet, claims 1-5 of U.S. Patent No. 6,542,931 claims the same invention as claims 1, 2, 5-10, 13-16, 43, 46-69, 187-194, 198-200 of the instant application.

3. Claims 33-38, 44 and 45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,542,931 in view of U.S. Patent No. 5,579,316. By further implementing the insertion of sequence number with compressed header in U.S. Patent No. 5,579,316 into the method and system provided in U.S. Patent No. 6,542,931 for error detection/correction control, it would have been obvious to one of ordinary skill in the art to make the same invention as claimed for improving the system reliability and efficiency.

Art Unit: 2665

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 45, 69, 191-199 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 45, line 2, "receiver" should read as --transmitter-- since it is the transmitter not the receiver that receives the acknowledgement packet.

In claim 69, it is improper for the claim to depend upon itself. Therefore, "claim 69" should be changed to --claim 68-- for proper claim dependency.

In claim 191, line 5, claim 195, line 7, each occurrence of "the at least one packet" lacks antecedent basis.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 195-197 are rejected under 35 U.S.C. 102(a) as being anticipated by BIRDWELL et al. in U.S. Patent No. 6,032,197.

Art Unit: 2665

By broadly interpreting the packets with full-length and reduced length as the claimed packet with full header and the additional packet having a smaller number of bits in the header, BIRDWELL et al. discloses a method for transmitting headers from a compressor (30 & 38) to a decompressor (74 & 72) (see col. 4, lines 33-53, col. 6, line 59 to col. 7, line 520) as in claims 195-197.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 94 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over BIRDWELL et al. in U.S. Patent No. 6,032,197.

BIRDWELL et al. discloses a method of reducing a number of bits in the headers of a sequence of transmitted packets as claimed. But BIRDWELL et al. fails to disclose additional feature of providing an acknowledgement from receiver to transmitter, which is well known in the art and commonly applied in communications field for providing feedback mechanism.

Art Unit: 2665

Therefore, it would have been obvious to one of ordinary skill in the art to further implement the acknowledgement feedback mechanism into the method provided in BIRDWELL et al. for providing synchronization and error detection/correction control purposes.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

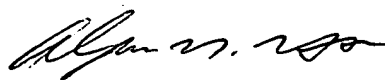
Grossman et al., Westberg and Deo et al. are cited to show the common feature of packet header compression and decompression similar to the claimed invention.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (703)305-4377. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (703)308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH


Alpus H. Hsu
Primary Examiner
Art Unit 2665